

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 CATHY WOODS (a/k/a ANITA)
4 CARTER), by and through her Personal)
5 Representative, LINDA WADE,) Case No.: 3:16-CV-00494-MMD-DJA
6)
7 Plaintiff,)
8 v.)
9)
10 CITY OF RENO, NEVADA,) AMENDED PROTECTIVE ORDER
11 LAWRENCE C. DENNISON, DONALD)
12 W. ASHLEY, and CLARENCE A.)
13 "JACKIE" LEWIS)
14)
15 Defendants.)
16)
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18)
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25)

11 In order to protect the confidentiality of confidential information obtained by
12 the parties in connection with this case, the parties hereby agree as follows:

13 1. Any party or non-party may designate as "confidential" (by stamping
14 the relevant page or other otherwise set forth herein) any document or response to
15 discovery which that party or non-party considers in good faith to contain
16 information involving trade secrets, or confidential business or financial
17 information, subject to protection under the Federal Rules of Civil Procedure or
18 Nevada law ("Confidential Information"). Where a document or response consists of
19 more than one page, the first page and each page on which confidential information
20 appears shall be so designated.

21 2. A party or non-party may designate information disclosed during a
22 deposition or in response to written discovery as "confidential by so indicating in
23 said response or on the record at the deposition and requesting the preparation of a
24 separate transcript of such material. Additionally a party or non-party may
25 designate in writing, within twenty (20) days after receipt of said responses or of the

1 deposition transcript for which the designation is proposed, that specific pages of
2 the transcript and/or specific responses be treated as “confidential” information.
3 Any other party may object to such proposal, in writing or on the record. Upon such
4 objection, the parties shall follow the procedures described in paragraph 8 below.
5 After any designation made according to the procedure set forth in this paragraph,
6 the designated documents or information shall be treated according to the
7 designation until the matter is resolved according to the procedures described in
8 paragraph 8 below, and counsel for all parties shall be responsible for making all
9 previously unmarked copies of the designated material in their possession or control
10 with the specific designation.

11 3. All information produced or exchanged in the course of this case (other
12 than information that is publicly available) shall be used by the party or parties to
13 whom the information is produced solely for the purpose of this case.

14 4. Except with the prior written consent of other parties, or upon prior
15 order of this Court obtained upon notice to opposing counsel, Confidential
16 Information shall not be disclosed to any person other than:

- 17 a. Counsel for the respective parties to this litigation, including in-house
18 counsel and co-counsel retained for this litigation;
- 19 b. Employees of such counsel;
- 20 c. Individual defendants, class representatives, any officer or employee of
21 a party, to the extent deemed necessary by Counsel for the prosecution
22 or defense of this litigation;
- 23 d. Consultants or expert witnesses retained for the prosecution or defense
24 of this litigation, provided that each such person shall execute a copy of
25 the Certification annexed to this Order as Exhibit “A” (which shall be

1 retained by counsel to the party so disclosing the Confidential
2 Information and made available for inspection by opposing counsel
3 during the pendency or after the termination of the action only upon
4 good cause shown and upon order of the Court) before being shown or
5 given any Confidential Information;

6 e. Any authors or recipients of the Confidential Information;

7 f. The Court, Court personnel, and court reporters;

8 g. Witnesses (other than persons described in paragraph 4(e)). A witness
9 shall sign the Certification before being shown a confidential
10 document. Confidential Information may be disclosed to a witness who
11 will not sign the Certification only in a deposition at which the party
12 who designated the Confidential Information is represented or has
13 been given notice that Confidential Information shall be designated
14 “Confidential” pursuant to paragraph 2 above. Witnesses shown
15 Confidential Information shall not be allowed to retain copies; and

16 h. Counsel and counsel’s support staff for the Nevada Attorney General’s
17 Office handling *In re Wrongful Conviction of Cathy Woods, a/k/a Anita*
18 *Carter*, pending on the Second Judicial District for the State of
19 Nevada, in the County of Washoe, provided that each such person shall
20 execute a copy of the Certification annexed to this Order as Exhibit “A”
21 (which shall be retained by counsel to the party so disclosing the
22 Confidential Information and made available for inspection by
23 opposing counsel during the pendency or after the termination of the
24 action only upon good cause shown and upon order of the Court) before
25 being shown or given any Confidential Information.

1 5. Any persons receiving Confidential Information shall not reveal or
2 discuss such information to or with any person who is not entitled to receive such
3 information, except as set forth herein.

4 6. Unless otherwise permitted by statute, rule or prior court order,
5 papers filed with the court under seal shall be accompanied by a contemporaneous
6 motion for leave to file those documents under seal, and shall be filed consistent
7 with the court's electronic filing procedures in accordance with Local Rule IA 10-5.
8 Notwithstanding any agreement among the parties, the party seeking to file a
9 paper under seal bears the burden of overcoming the presumption in favor of public
10 access to papers filed in court. *Kamakana v. City and County of Honolulu*, 447 F.2d
11 1172 (9th Cir. 2006); *Pintos v. Pac. Creditors Ass'n*, 605 F.3d 665, 677-78 (9th Cir.
12 2010).

13 7. A party may designate as "Confidential" documents or discovery
14 materials produced by a non-party by providing written notice to all parties of the
15 relevant document numbers or other identification within thirty (30) days after
16 receiving such documents or other discovery materials. Any party or non-party may
17 voluntarily disclose to others without restriction any information designated by that
18 party or non-party as confidential, although a document may lose its confidential
19 status if it is made public.

20 8. If a party contends that any material is not entitled to confidential
21 treatment, such party may at any time give written notice to the party or non-party
22 who designated the material. The party or non-party who designated the material
23 shall have twenty-five (25) days from the receipt of such written notice to apply to
24 the Court for an order designating the material as confidential. The party or non-
25

1 party seeking the order has the burden of establishing that the document is entitled
2 to protection.

3 9. Notwithstanding any challenge to the designation of material as
4 Confidential Information, all documents shall be treated as such and shall be
5 subject to the provisions hereof unless and until one the following occurs:

6 a. The party or non-party who claims that the material is Confidential
7 Information withdraws such designation in writing; or

8 b. The party or non-party who claims that the material is Confidential
9 Information fails to apply to the Court for an order designating the
10 material confidential within the time period specified above after
11 receipt of a written challenge to such designation; or

12 c. The Court rules the material is not confidential.

13 10. All provisions of this Order restricting the communication or use of
14 Confidential Information shall continue to be binding after the conclusion of this
15 action, unless otherwise agreed or ordered. Upon conclusion of the litigation, a party
16 in the possession of Confidential Informa6tion, other than that which is contained
17 in the pleadings, correspondence, and deposition transcripts, shall either (a) return
18 such documents no later than thirty (30) days after conclusion of this action to
19 counsel for the party or non-party who provided such information, or (b) destroy
20 such documents within the time period upon consent of the party who provided the
21 information and certify in writing within thirty (30) days that the documents have
22 been destroyed.

23 11. The terms of this Order do not preclude, limit, restrict, or otherwise
24 apply to the use of documents at trial.
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1 12. Nothing herein shall be deemed to waive any applicable privilege or
2 work product protection, or to affect the ability of a party to seek relief for an
3 inadvertent disclosure of material protected by privilege or work product protection.

4 13. Any witness or other person, firm or entity from which discovery is
5 sought may be information of any may obtain the protection of this Order by written
6 advice to the parties' respective counsel or by oral advice at the time of any
7 deposition or similar proceeding.

8
9 IT IS SO ORDERED.

10 11/19/2019

11 Date



UNITED STATES MAGISTRATE JUDGE

EXHIBIT A
CERTIFICATION

I hereby certify my understanding that Confidential Information is being provided to me pursuant to the terms and restrictions of the Amended Protective Order dated _____, 2018, in *Cathy Woods (a/k/a Anita Carter v. City of Reno, et al.*, No. 3:16-CV-494-MMD-WGC. I have been given a copy of that Order and read it. I agree to be bound by the Order. I will not reveal the Confidential Information to anyone, except as allowed by the Order. I will maintain all such Confidential Information—including copies, notes, or other transcriptions made therefrom—in a secure manner to prevent unauthorized access to it. No later than thirty (30) days after the conclusion of this action, I will return the Confidential Information—including copies notes, or other transcriptions made therefrom—to the counsel who provided me with the Confidential Information. I hereby consent to the jurisdiction of the United States District Court for the purpose of enforcing the Amended Protective Order.

DATED: _____.